HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G. ROHINI

Writ Appeal No. 769 of 2007

Between:

Ch. B. Ranemma

… Appellant

and

The General Manager (Telecommunications),
Bharat Sanchar Nigam Limited, Telecom District,
Cuddapah & others

... Respondents

:: J U D G M E N T ::

Counsel for the appellant : Ms. U. Kalyani for
Shri V. Venkateswara Rao

Counsel for respondent Nos. 1 to 3 : Smt. P. Sarada

Counsel for respondent No.4 : Shri K. Venkateswara Rao

30th October, 2007

Per G. S. Singhvi, CJ

This is an appeal for setting aside order dated 08.08.2007 passed by the learned Single Judge, whereby he allowed Writ Petition No. 9685 of 2007 filed by respondent No.4 and quashed the allotment of type 'c' quarter to the appellant herein.

We have heard Ms. U. Kalyani, learned counsel for the appellant, Smt. P. Sarada, learned counsel for respondent Nos. 1 to 3, Shri K. Venkateswara Rao, learned counsel for respondent No.4 and perused the record.

In our opinion, the finding recorded by the learned Single Judge on the entitlement of respondent No.4 herein to be given priority in the matter of allotment of 'c' type quarter does not suffer from any patent legal infirmity. Admittedly, respondent No.4 is senior to the appellant herein and there was no extraordinary reason for violating the rule of seniority in the matter of allotment of type 'c' quarter. Therefore, the allotment of quarter to the appellant was ex facie illegal and was rightly quashed by the learned Single Judge.

During the course of arguments, learned counsel for the appellant made efforts to convince us that her client should be allowed to retain the quarter because her husband has undergone surgery and she herself has applied for re-transfer from Anantapur to Kadapa, but we are unable to accept her submission because, after seeking instructions from the departmental authorities, Smt. P. Sarada made a statement that the appellant's request for re-transfer to Kadapa is not being considered.

For the reasons stated above, the appeal is dismissed. However, keeping in view the fact that the appellant has been occupying the quarter in question for last about three years and she will have to find alternative occupation, we deem it proper to accept the request made by Ms. U. Kalyani for grant of one month's time to her client to vacate the quarter. Ordered accordingly. This would be subject to the condition that within seven days from today, the appellant furnishes a written undertaking in the form of affidavit to the General Manager,

Telecom District, Bharat Sanchar Nigam Limited, Kadapa that she would hand over the vacant possession of the quarter to the concerned authority on or before 30.11.2007.

If the appellant fails to hand over the possession of the quarter, the departmental authority shall be free to get the same vacated by using all legally permissible means including the use of police force.

As a sequel to dismissal of the appeal, W.A.M.P.No.1531 filed by the appellant for interim relief and W.V.M.P.No.1795 of 2007 filed by respondent No.4 for vacating interim order dated 17.09.2007 are disposed of as infructuous.

G.S. SINGHVI, CJ

G. ROHINI, J

Date: 30.10.2007
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